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Teachers and school officials may already have the authority to search a student's locker or backpack if they suspect the student has guns or contraband, but many feel reluctant to do so for fear of a lawsuit.

U.S. Rep. Mark Kirk, R-10th, of Highland Park, has proposed new federal legislation that would give teachers and administrators greater latitude to conduct searches for weapons, drugs or other dangerous materials if there is a "reasonable threat" to other students or teachers.

"We've seen the shootings at Columbine and Virginia Tech and I think it's time to give full authority to full-time teachers to search a backpack or a locker to make sure their classrooms remain guns and drug free," he said.

"Quick action based on the professional actions of a teacher picking up on the warning signs can help prevent a tragedy," he said.

He discussed the proposed legislation, the Student and Teacher Safety Act of 2007 (H.R. 3291), during a press conference Aug. 21 at Stevenson High School in Lincolnshire.

The proposed legislation seeks to codify a U.S. Supreme Court ruling in 1985 where the court held that searches of students by school officials do not require probable cause warrants. Even though case law gives schools the right to conduct searches, Kirk said some teachers are currently reluctant to do so for fear of a lawsuit.

Local school officials seemed to support legislation to expand teachers' authority to conduct searches when circumstances warrant it.

Janet Joy, an educator from Arlington Heights and a member of Kirk's Education Advisory Board, said the legislation came out of discussions of teachers and school officials in the group who were looking for ways to create a safer environment for children.

Joy said sometimes teachers feel "their hands are tied" because they're afraid if they search a locker or backpack they might be sued, even though they may have reasonable suspicion that a student has drugs or guns. She thinks most teachers would use that authority wisely.

"I don't want to spend my time checking backpacks. I want to spend my time teaching students, but at the same time, children can't learn unless they feel safe in the classroom," she said.

Patricia Ihmels, assistant principal for operations at Stevenson High School, said she has not studied the legislation in depth but in concept it sounds like a good idea.

"Anything that allows schools to create a safer environment for students is of interest to us," she said.

Harry Griffith, superintendent of Lake Forest Elementary School District 67 and Lake Forest High School District 115, said he believes any legislation that helps "teachers and administrators make sure that every student that walks through the door of the school is weapon free is a positive thing."

Griffith said he doesn't typically see many problems at Lake Forest schools but about 15 years ago he worked for a school district in Houston which had a serious problem with gangs and weapons in the schools. In that district, he said school officials sometimes had to conduct metal detector searches of students and police were stationed in the schools.

"I have worked in communities that were quite dangerous in the past and you have to take very strong measures to protect students," he said.

Prentice Lee, associate superintendent for Libertyville-Vernon Hills Community High School District 128, said Kirk should be "commended for his efforts to create a safer environment for kids and teachers in the schools."

"The legislation simply codifies a teacher's ability to legally do a search and it would be up to each individual district how they want to implement it," he said.

In Community High School District 128, Lee said the school district already has an administrative protocol in place for dealing with issues of student safety. Currently, teachers will contact a principal, assistant principal or dean if they suspect a student is carrying weapons or drugs and typically do not conduct searches on their own. School administrators or police then will conduct a search should circumstances warrant it.

Lee said he doesn't know if District 128 would change its procedures if the law passes, but some school districts may want to give teachers the authority to conduct search in certain situations.

"It may have more direct applications for middle schools and elementary schools that don't have the same administrative structures high schools have," he said.

Mark Friedman, superintendent of Libertyville School District 70, said he applauds Kirk's efforts for bringing the issue of school safety to the forefront but questions whether it would have much direct application since schools already have the ability to conduct searches.

Two years ago, he said the Libertyville school district along with local police conducted a search of lockers at the middle school for drugs and last year student backpacks were checked after a bomb threat was called into the school.

"We're very careful not to violate students rights but our No. 1 concern is safety," he said.

Friedman said he understands the need for school officials and teachers to conduct reasonable searches but wonders if giving too broad authority might create problems.

"There's always some concern that someone might misuse their rights or responsibilities," he said. "If you asked all of the teachers, I'm not sure every teacher would want that responsibility. We want our teachers to teach and not have to worry about being police officers at the same time."

Kirk said he believes the legislation has adequate safeguards to prevent abuses. Under the legislation, only full-time teachers or administrators would be allowed to conduct searches, not part-time teachers or teacher aides. He added that what constitutes reasonable suspicion has been fairly well defined by the courts.

Kirk said the bill has broad bi-partisan support and passed the House last year before stalling in the Senate. He said it has the backing of the National Education Association and Illinois Education Association and the only opposition he has heard is from the American Civil Liberties Union.

Ed Yonka, a spokesman for the ACLU of Illinois, questions the need for a new law since the courts already give teachers and administrators the authority to conduct reasonable searches.

"The law doesn't grant any authority that isn't already there," he said. "The problem is it doesn't change anything."